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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,044	05/01/2001	Athar Shah	60,130-1048/01MRA0236	4502

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,044

Applicant(s)

SHAH, ATHAR

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,11,12,14-16 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,11,12,14-16 and 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Election/Restrictions

Applicant's election of Group I in Paper No. 3 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 8-10 and 17-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 3.

Claim Rejections - 35 USC § 112

Claims 25 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "a belt position" on line 2 of claim 25 render the claims indefinite because it is unclear what comprises a "belt" position. How does the term "belt" define a position?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 7, 11 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborn et al. in view of Yamamura et al. Osborn et al., in figure 11, discloses a regulator assembly comprising a glass support member 130 for supporting a pane of glass 16, a drive motor 132 producing a drive force for moving the glass support member between open and closed positions, a flexible timing belt 128 having a profile, the belt interconnecting the drive motor and the glass support member, a pulley 134 with a complementary profile to the profile to the flexible belt, the pulley engaging the belt and moving the belt relative thereto in response to the drive force, spaced apart guides (not numbered, but seen in figure 1 at the left and right sides of the window opening), and a rod 120 to maintain a distance between opposing portions during installation of the assembly onto a door. Osborn et al. is silent concerning a belt having protrusions.

However, Yamamura et al. discloses a regulator assembly comprising a timing belt having teeth and a sprocket wheel having complementary teeth. See column 11, lines 33-38.

It would have been obvious to one of ordinary skill in the art to provide Osborn et al. with a timing belt, as taught by Yamamura et al., to provide a more reliable means for transmitting force between the motor and the glass support member.

Claims 1, 3, 4, 21 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Compagnon et al. in view of Colell. Le Compagnon et al. discloses a regulator assembly comprising a glass support member 14 for supporting a

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pane of glass 12, a drive motor 18 producing a drive force for moving the glass support member between open and closed positions, a flexible timing belt 22 having a profile, the belt interconnecting the drive motor and the glass support member, a pulley 27 with a complementary profile to the profile to the flexible belt, the pulley engaging the belt and moving the belt relative thereto in response to the drive force, spaced apart guides 20. Le Compagnon et al. is silent concerning a belt having a plurality of protrusions.

However, Colell discloses a window regulator comprising a flexible belt 8 having protrusions.

It would have been obvious to one of ordinary skill in the art to provide Le Compagnon et al. with a belt having protrusions, as taught by Colell, to provide a more efficient means for transmitting force between the motor and the glass support member.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborn et al. in view of Yamamura et al., as applied to claims 1-4, 7, 11 and 21-23 above, and further in view of Shibata '966. Shibata '966 discloses a regulator assembly comprising pulleys 38 and 40 supported by spaced apart brackets 24 and 28 that include stops.

It would have been obvious to one of ordinary skill in the art to provide Adachi '678 with brackets, as taught by Shibata '966, to more securely mount the regulator assembly to the vehicle door.

Claims 12, 14-16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborn et al. in view of Shibata '966. Osborn et al., in figure 11, discloses a regulator assembly comprising a panel 120, a glass support member 130 for supporting a pane of glass 16, a drive motor 132 producing a drive force for moving the glass support member between open and closed positions, a flexible timing belt 128 having a profile, the belt interconnecting the drive motor and the glass support member, a pulley 134 with a complementary profile to the profile to the flexible belt, the pulley engaging the belt and moving the belt relative thereto in response to the drive force, spaced apart guides (not numbered, but seen in figure 1 at the left and right sides of the window opening). Osborn et al. is silent concerning spaced apart brackets.

However, Shibata '966 discloses a regulator assembly comprising pulleys 38 and 40 supported by spaced apart brackets 24 and 28 that include stops.

It would have been obvious to one of ordinary skill in the art to provide Osborn et al. with brackets, as taught by Shibata '966, to more securely mount the regulator assembly to the vehicle door.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osborn et al. in view of Shibata '966 as applied to claims 12-16 and 24 above, and further in view of Yamamura et al.

Yamamura et al. discloses a regulator assembly comprising a timing belt having teeth and a sprocket wheel having complementary teeth. See column 11, lines 33-38.

It would have been obvious to one of ordinary skill in the art to provide Osborn et al., as modified above, with a timing belt, as taught by Yamamura et al., to provide a more reliable means for transmitting force between the motor and the glass support member.

Response to Arguments

Applicant's arguments filed January 7, 2003 have been fully considered but they are not persuasive.

With respect to the applicant's arguments concerning the combination of the teachings of Osborn et al. and Yamamura et al. the examiner respectfully disagrees. It is well known that toothed belts provide an efficient means for transferring rotational forces between two elements. Replacing the belt 28 of Osborn et al. with a toothed belt as taught by Yamamura et al. is well within the purview of one of ordinary skill in the art. The fact that the belt of Osborn et al. is partially twisted and is relatively thin does not prevent the belt from being modified to have teeth. In other words, Osborn et al. would still function properly with a toothed belt. Is the applicant's position that a thin belt cannot have teeth or that a toothed belt cannot be twisted?

With respect to the applicant's comments concerning a continuous loop, the applicant's attention is directed to the embodiment shown in figure 11 which discloses a continuous loop.

With respect to the applicant's comments concerning claims 21-23, one with ordinary skill in the art knows that timing belts have teeth that extend across a width of

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the belt and have tapered teeth. For example, see the disclosure of Colell. As shown in figure 2, the surface of the glass support member 30 extending into the page is parallel with a rotational axis of the pulley. It should be noted that the applicant has not set forth the rotational axis of the pulley is parallel to a longitudinal axis of the glass support member.

With respect to the applicant's comments concerning claims 5 and 6, the examiner respectfully disagrees. Shibata discloses spaced apart brackets 24 and 28 which support the pulleys 38 and 40. The bottom surface of the bracket 24 and the top surface of the bracket 28 define stops and these stops define the open and closed positions of the window since the distance the window travels with respect to these surfaces defined. It is suggested that the applicant define how the stops actually define the open and closed positions of the window pane, e.g., by engaging the glass support member.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The applicant presented new claim 25 which necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



Gregory J. Strimbu
Primary Examiner
Art Unit 3634
March 24, 2003